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Attorney for Plaintiff  
ALISON DAVI, a Minor, by and through her  
General Guardian, GIOLARMA DAVI

**\*E-FILED - 1/21/09\***

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

ALISON DAVI, a Minor, by and through  
her General Guardian, GIOLARMA DAVI,  
Plaintiff,

v.

CITY OF SEASIDE, CALIFORNIA,  
KEVIN MILLER and DOES 1 through 25,  
inclusive,  
Defendants.

CIVIL ACTION  
CASE NO.: CV 08-04095 RMW

**STIPULATION TO DISMISS ACTION  
AND ORDER**

**Judge: Hon. Ronald M. Whyte**

**WHEREAS**, plaintiff ALISON DAVI, a Minor by and through her General Guardian,  
GIOLARMA DAVI filed this action against defendant CITY OF SEASIDE, CALIFORNIA and  
KEVIN MILLER alleging claims of deliberate indifference in violation of 42 U.S.C. §1983;

**WHEREAS**, defendants CITY OF SEASIDE, CALIFORNIA and KEVIN MILLER filed  
a Motion to Dismiss for Failure to State a Claim Upon Which Relief Can Be Granted, order in  
the Alternative, Motion for a More Definite States pursuant to FRCP 12(b)(6), 12(e), currently  
set for hearing on January 30, 2009 at 9:00 A.M. before this Court;

**WHEREAS**, the parties have entered into an agreement requiring the filing of this  
Stipulation and [Proposed] Order re Dismissal of entire action;

1           **NOW THEREFORE**, pursuant to Local Rule 7-12, plaintiff ALISON DAVI, and  
2 defendants, CITY OF SEASIDE, CALIFORNIA and KEVIN MILLER, through their respective  
3 counsel of record and without admitting to any liability under the claims in this case, hereby  
4 stipulate as follows:

5           1.       All claims against CITY OF SEASIDE, CALIFORNIA and KEVIN MILLER are  
6 dismissed with prejudice and

7           2.       All parties shall bear their own costs, expenses and attorney's fees.

8 DATED: January 12, 2008

LAW OFFICES OF ROBERT D. PONCE

9  
10 BY: /S/

Robert D. Ponce  
Attorney for Plaintiff, ALISON DAVI, a Minor by  
and through her General Guardian, GIOLARMA  
DAVI

11  
12  
13 DATED: January 12, 2009

HOWARD ROME MARTIN & RIDLEY LLP


14  
15 BY: /S/

Joseph C. Howard, Jr.  
Attorneys for Defendants, CITY OF SEASIDE and  
KEVIN MILLER

16  
17  
18 **ORDER**

19 PURSUANT TO STIPULATION, IT IS SO ORDERED.

20  
21 DATED:    1/21/09   

  
Hon. Ronald M. Whyte  
UNITED STATES DISTRICT JUDGE